

These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>

Planning & Zoning Commission Mid-Month Meeting
Minutes of July 18, 2013
1st Floor North Conference Room - City Hall

Present: Chairman Nathaniel Cannady, Vice-Chairman Jeremy Goldstein, Kristy Carter, Jim Edmonds, Joe Minicozzi and Holly P. Shriner

Absent: Ms. Jane Gianvito Mathews

Pre-Meeting - 3:30 p.m.

The Commission began the pre-meeting by discussing (1) procedural questions about the items that are to be continued; and (2) the zoning map study that the Commission had authorized for a sub-committee led by Mr. Minicozzi. There seemed to be some misunderstanding regarding the nature of this work in the community and the discussion was regarding the need to clarify that information.

Regular Meeting - 4:00 p.m.

Chairman Cannady called the meeting to order at 4:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Vice-Chairman Goldstein moved to approve the minutes of the June 5, 2013, meeting, with minor typographical errors. This motion was seconded by Mr. Edmonds and carried unanimously by a 6-0 vote.
- ? Vice-Chairman Goldstein moved to continue the conditional rezoning request for 291 Chestnut Street to August 7, 2013. This motion was seconded by Mr. Minicozzi and carried unanimously by a 6-0 vote.
- ? Mr. Minicozzi moved to continue the Unified Development Ordinance amendment regarding open space requirements for industrial projects to September 4, 2013. This motion was seconded by Ms. Carter and carried unanimously by a 6-0 vote.

Agenda Items

- (1) Request to rezone property with multiple addresses on Finalee Avenue from Institutional District to RS-8 Residential Single-Family High Density District. The owners are Caledonia Development, LLC and Isaac Grossman, and the agent is Kevin Scarmack. The property is identified as PINs 9648-61-7372, -8327, -8461, -8495, -9520, -9563; 9648-71-0506, -0549, and -0683. Planner coordinating review – Blake Esselstyn**

Urban Planner Blake Esselstyn oriented the Commission to the site location and said that due to a misunderstanding, the large vacant parcel behind the nine properties fronting on Finalee (PIN 9648-71-0317) was included in the rezoning request; however, that inclusion was in error. The subject site has been involved in multiple zoning actions and development proposals in recent years. While the high-density multi-family development proposals met technical requirements, there was consternation on the part of City Council, as well as multiple neighboring citizens, about the compatibility of that type of use in this location.

The current zoning designation, Institutional, can be traced back to circumstances years ago, when this property was under the same ownership as the complex to the northeast (now the Kenilworth Apartments), which at the time was a medical institution. The subject property, which may have at that time shared a PIN with the parcel on which the complex was built, was considered part of the institution's campus. When the building was converted to apartments, the existing zoning district allowed high density multi-family residential uses, and it was preserved.

Staff feels (as was reflected in the 2011 staff-initiated rezoning) that the proposed zoning reflects a density more appropriate for these steeply sloped properties in a predominately single-family residential neighborhood, and eliminates the potential for certain commercial uses (allowed in the Institutional district) that are unlikely to be compatible at this location.

The site has already been subdivided into lots suitable for single-family development, and the Institutional Zoning District allows single-family uses, but the side setbacks in Institutional are more restrictive than in RS-8. While the single family lots exceed the minimum lot size for the RS-8 district, width is at a premium because of the steep drop-off, and the difference between the ten-foot side setback in Institutional and the six-foot setback in RS-8 was one factor prompting the applicant to request the rezoning.

The UDO (7-8-15) states that "The Institutional District is established to reserve land for the development of major educational facilities, major medical facilities and other complementary and supporting uses such as health related developments, office developments, and public services." Staff feels the land no longer is appropriate for this purpose.

By contrast, the stated intent of RS-8 is "to establish a high density per acre for single-family dwellings where public infrastructure is sufficient to support such development and to stabilize and protect the district's residential character in areas of existing high density single-family development while promoting a suitable environment for single-family living. Non-single-family development normally required to provide the basic elements of a balanced and attractive residential area is also permitted."

When a similar rezoning proposal was initiated by staff in 2011, the primary reason cited for objection on the part of reviewing boards was the lack of support of the property owner. Now that that situation has changed, the property has been subdivided, and the property owner is behind the rezoning, staff feels that the argument for the rezoning is further strengthened.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pro:

- ? The rezoning establishes zoning on the properties that is more reflective of and compatible with the surrounding single-family neighborhood, the steeply sloping site, and the limited access.

Con:

- ? None noted.

Staff's analysis indicates that the proposed zoning district would support appropriate development, and prevent incompatible development better than the existing zoning, and, accordingly, staff recommends approval.

When Ms. Carter asked about the property to the east of the last parcel being rezoned, Mr. Esselstyn said that the property is owned by RiverLink. The zoning of that parcel is Institutional. Staff would be supportive of that lot being rezoned to RS-8; however, RiverLink was not prepared to bring that rezoning request forward. It was his understanding that the property would be kept for conservation purposes, with perhaps some paths and/or passive recreation.

When Ms. Carter asked about neighborhood comment, Mr. Esselstyn said that he received one communication clarifying the change.

Mr. Kevin Scarmack, representing the property owners, said that RS-8 was in line with what is currently in place in Kenilworth and asked for the Commission's support. Kenilworth.

In response to Vice-Chairman Goldstein, Mr. Scarmack said that there are no plans at this time for the large vacant piece of property behind this rezoning request.

When Vice-Chairman Goldstein asked about access to the large vacant property, Mr. Esselstyn explained that a recombination plat has been filed with the bottom property which has access to Swannanoa River Road.

Chairman Cannady opened the public hearing at 4:21 p.m.

Ms. Teddy Jordon, resident on Normandy Road and President of the Kenilworth Residents Association, said that they are pleased to support the rezoning request.

Ms. Valerie Ho, resident on Finalee Avenue, supported the rezoning request. However, she hoped that the Commission would take steps to make sure that another development will not be able to get through the Technical Review Committee and the Planning & Zoning Commission strictly on technical aspects, but will instead take into account topography, infrastructure and common sense.

Chairman Cannady closed the public hearing at 4:24 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Vice-Chairman Goldstein moved to recommend approval of rezoning property with multiple addresses on Finalee Avenue from Institutional District to RS-8 Residential Single-Family High Density District. This motion was seconded by Mr. Minicozzi and carried unanimously by a 6-0 vote.

Ms. Carter said that because there is a pattern of piecemeal zoning in the area, she moved to request staff to perform a zoning study of this area and provide the Commission (at their September meeting) with options prior to any other rezoning requests in the area coming before the Commission. She stressed that the bigger area needs to be addressed and the Commission needs to understand the vision of the area.

Vice-Chairman Goldstein said that the Commission was advised that there are other actions pending in the area and he didn't think it was fair to stop the process. He felt it made more sense to look at the larger area, but the timing of the Commission reviewing the information should not stop anything.

Planning & Development Director Judy Daniel explained that if a property owner comes in with a rezoning request, they cannot stop the process. She also noted that in 2011 staff did a zoning study which proposed a rezoning of mostly all of this area to RM-16 or RS-8. City Council did not approve that rezoning.

After a brief discussion, the motion made by Ms. Carter was seconded by Mr. Minicozzi and failed on a 3-3 vote, with Ms. Carter, Mr. Minicozzi and Ms. Shriner voting "yes" and Chairman Cannady, Vice-Chairman Goldstein and Mr. Edmonds voting "no."

Ms. Daniels said that she would be happy to provide the Commission with a copy of the zoning study previously performed and add it as a discussion item on the September agenda.

(2) Proposal for Unified Development Ordinance amendments pertaining to signs to sec. 7-13-3: Off-premises signs, Sec. 7-13-4(b)(1)(c): Residential development signs, Sec. 7-13-4(c): Signage for multi-tenant businesses, Sec. 7-13-5(b)(3)(d): Off-premise signs. Planner coordinating review – Judy Daniel.

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance regarding off-premise signs, residential development signs and signage for multi-tenant businesses.

In June, staff proposed a number of changes to the sign regulations. The Commission recommended approval of some of those changes, and requested further information from the staff on others. Subsequently, the City Council approved the changes recommended for approval by the Commission at their June 25, 2013, meeting.

Staff is returning to the Commission with additional information on the following proposed changes to the sign regulations. As stated previously, over the past several months, the staff has determined that adjustments to the sign regulations should be considered. These are changes that primarily allow more flexibility for businesses and developments from a practical perspective, without causing substantially more signage. This report includes the proposals for changes to Off-premise signs, residential development signs, and signs for multi-tenant businesses

(1) Sec. 7-13-3: Off-premises signs

This section relates to signs that are prohibited. The proposals for this section include two technical changes and one substantive change.

A technical change is proposed to the title of Sec. 7-13-3 to more clearly reflect the content of the section; and a change to paragraph "6" corrects a technical error.

(2) Sec. 7-13-3. Signs prohibited or requiring additional standards in all zoning districts.

The more substantive change to this section regarding prohibited signs will allow the use of off-premise signs in multi-family residential districts; as some developments are situated in locations without direct frontage on a public road, and directional signage would be helpful for those looking for the development. Several Commissioners expressed concern that this change could have the potential to allow signage in multi-family districts that have a substantial level of single-family housing. To address this concern, staff has proposed additional safeguards in Sec. 7-13-5, which governs off-premise signs, discussed later in this report.

(6). Off-premises signs – some districts. Off-premises signs in all single-family residential zoning districts and in the Office, ~~Officer~~ Office Business, Community Business I, Neighborhood Business, and Central Business Districts.

(3) Sec. 7-13-4(b)(1)(c): Residential development signs

The proposed change to Sec. 7-13-4(b) would allow more than two entry signs for residential developments. Currently one primary sign and one smaller secondary entrance sign are allowed. The change would still allow only one primary sign, but additional secondary entrances from public roads would be allowed the smaller directional sign. Staff believes that this change will provide helpful directional signage for residents and the public.

Several Commissioners expressed general support for this change, but due to a general concern expressed consideration of the change was deferred. Staff believes the safeguards on size for the secondary sign or signs, the limit of one main sign and one sign per public road entry are sufficient, and the benefits to the public in terms of directional assistance for secondary entrances will be helpful.

(c). Subdivision and multi-family development identification signs may contain the name of the development only and must be either free standing ground signs or attached wall signs. If the signs are free standing ground signs, the height shall be limited to six feet from grade and the minimum setback shall be ten feet. ~~Only two entrances to the development may have a sign.~~ There may be one sign for each entry to the development from a public road, limited to one sign per road, but only one main entrance sign.

The main entrance sign shall have no more than sixteen (16) square feet per face, two faces per sign. The secondary entrance signs shall have no more than eight (8) square feet per face, two faces per sign. Only two sign faces ~~are~~ shall be allowed at each entrance, however, ~~said~~ the sign faces for the main entrance may be on two individual sign structures.

(4) **Sec. 7-13-4(c):** On-Premises signs for multi-tenant development

The proposed changes to Sec. 7-13-4(c) once again reflect the usefulness of additional directional identification signage for development; in this case multi-tenant development which has access points on more than one public road. Staff believes the existing language to be somewhat confusing and unnecessarily restrictive and inflexible.

The proposed changes clarify that the two allowed identification signs for the building/development (as opposed to tenant identification signs) may be either freestanding or attached. It clarifies the limit on the number of identification signs per development, and clarifies where the allowed attached tenant identification signs are regulated. And it clarifies that the regulations pertain to any tenant, not just a business tenant.

Some Commissioners expressed a concern that this change did not establish a smaller sign size for the added freestanding signage allowed. Staff has proposed a modification that would require a smaller size for the additional identification sign. Also a designation for the Light Industrial District is also added, as we noticed that none was noted currently.

(5) **Sec. 7-13-4(c)(b):** On premises signs: Multiple tenant development.

(a) Multiple tenant development may erect either a development identification or joint identification sign. In addition, tenant identification sign for individual businesses within a development are allowed.

(b) For a multiple tenant development, the development itself is allowed one identification sign either freestanding (maximum of two faces per sign) or attached for each property boundary with street frontage with a maximum of two identification signs allowed per development, ~~only one of which may be freestanding.~~ All other permitted tenant identification signs as allowed in 7-13-4(c)(b)(2) must be attached to the building(s).

1. Development and joint identification signs.
 - a. Where a development or joint identification sign is selected, such as sign may be of the following types.

Freestanding: Pole (except in Urban Residential District),
Ground, Changeable copy (except in Central Business District
and Urban Residential District)

Attached: Wall, Projecting, Window, Awning/canopy, Suspended
or transom

- b. The sign(s) shall meet the following requirement based on the zoning
district in which it is located.

<i>Zoning District</i>	<i>Max Height Allowed</i>	<i>Max. Sq.</i>
<i>Footage per face</i>		
Residential (all districts) 6 ft.		25 sq. ft.
Office I & II, Office Business ft.	8 ft.	90 sq.
INST, Resort		
CB II, HB, RB, River, CI, ft.	25 ft.	200 sq.
IND, <u>Light IND</u> , Airport		
CBD, Urban Village ft.	20 ft.	75 sq.
NBD, CBI, NCD, URD, UP ft.	12 ft.	60 sq.

A secondary freestanding identification sign must be either half the
height allowed in the district, or be a ground sign.

(6) **Sec. 7-13-5(b)(3)(d):** Off-premise signs

The regulations currently do not allow any off-premise sign within a 100 foot radius of any residentially zoned property. The intent of the change proposed was to allow an off premise sign to be used in proximity to multi-family zoned properties, easing the ability to use directional identification signs for developments that do not have direct frontage on a primary public road.

At the June meeting, Commissioners expressed a concern that this change might lead to off premise directional signs being placed near single family homes that are in multi-family zoning district, a not uncommon situation in many Asheville neighborhoods. To address this concern, staff has modified the proposed language to protect single family development in multi-family zoning districts.

(d) No off-premises sign shall be located within a 100-foot radius of a property zoned single-family residential or ~~residentially-zoned~~ property in a multi-family zone that is in primarily single-family residential use.

Throughout Ms. Daniel's presentation, discussion was held particularly regarding residential development signs and suggested column additions to the table in Section 7-13-4 (c). Ms. Daniel said that she would amend per the Commission and bring the entire amendment back to the Commission.

Because Ms. Carter noticed that there was no statement of plan consistency/ reasonableness in this matter (which must be stated in all zoning matters including text amendments), Ms. Daniel asked for the Commission to postpone action on this amendment in order for her to address any concerns noted and include the consistency statement.

Ms. Carter moved to continue the UDO amendment regarding sign regulations to August 7, 2013. This motion was seconded by Mr. Minicozzi and carried unanimously on a 6-0 vote.

(3) Proposal for Unified Ordinance Ordinance amendments to Sections 7-2-5: Definitions; Sec. 7-8-1(b)(2)(c): Table of Uses; and Sec. 7-16-1: Uses By Right regarding agricultural uses. Planner coordinating review – Judy Daniel.

Director of Planning & Development Judy Daniel said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance for horticultural agricultural uses, reflecting a community desire for more flexibility for uses uses.

As noted in the discussion report presented to the Commission in June, the City of Asheville has seen a substantial upswing in various types of food related agricultural production in the City. Growing food has always been permitted for home sites, and some types of animal (fowl primarily) and insects (bees) are permitted (through the animal control ordinances). Now there is increased interest in forms of production that go beyond what the current regulations allow and the City Council indicated its support through their adoption of a Food Policy and Action Plan in January.

Asheville's regulations regarding agriculture are already substantially supportive, but some requests relate to newer forms of production that will require changes to the regulations. The discussion at the June meeting was helpful, and no further changes were requested from those in support of this movement. The proposed modifications below reflect the areas where changes are recommended.

(1) Section 7-1-3. Jurisdiction

Staff has added this change since the June discussion. The proposal is to delete the paragraph in Sec. 7-1-3(c), which exempts a "bona fide agricultural use" from the provisions of this chapter. Legal staff has recommended this deletion as it is essentially no longer relevant, and as written, is confusing and subject to varying interpretations.

This provision was added in October of 2001 and was meant to address issues that arose during the new extension of the City's extraterritorial jurisdiction area. The exemption was intended to only apply to properties in agricultural use which had a minimum acreage of 10 acres, as well as minimum income and productions standards as per State tax law. Since this provision's definition is tied to state tax regulations, and is subject to change by the Legislature, and since agriculture in most forms is allowed in the City through the UDO and Chapter 3 of the Code of Ordinance, this exemption provision is not necessary and could lead to confusion or of greater concern, could be extended beyond its intended scope if the State tax laws pertaining to agricultural land are change.

Delete: ~~Sec. 7-1-3(c) Bona fide agricultural use. The provisions of this chapter shall not apply to bona fide agricultural uses recognized as such for tax purposes by the State of North Carolina except that confined animal feeding operations shall be prohibited.~~

(2) Section 7-2-5. Definitions

A change to the definition of agriculture is proposed to indicate a differentiation between raising plants vs. animals, since these uses are governed by separate ordinances. The intent is to avoid confusion about where these differing types of agriculture are regulated.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or sorting the

produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Regulations addressing agriculture that does not include animals are governed by this Chapter. Regulations addressing agriculture involving animals (such as but not limited to bees, dairying, pasturage agriculture, animal or poultry husbandry) are in Chapter 3. All agricultural practices may be subject to further state and federal regulations.

(3) **Sec. 7-8-1(b)(2)(c). Table of Uses**

The proposed change will add the use "Agriculture" to the Table of Uses to clarify that the use is allowed in all zoning districts. The use would be "P" (Permitted) in most zones, and "S" (Permitted with special standards) in residential zones.

Add under *Other Use Types*: Agriculture

"S" - USSR in all single family and multi-family residential districts, Urban Residential, and Urban Village districts.

"P" - Permitted in all other zoning districts.

(4) **Section 7-16-1. Uses by right, subject to special requirements.**

The proposed change creates the standards for Agriculture in residential zones, pertinent to residential districts. The standards relate to use of the property, structures, etc. The reference to "bona fide" farms is deleted, for the reasons noted in the deletion in the Jurisdiction section above.

(5) **Sec. 7-16-1(b). Uses by right subject to special requirements listed (by zoning district):**

Add: 4.1: *Agriculture*. All Residential districts including Urban Residential and Urban Village.

(6) **Sec. 7-16-1(c). Uses by right subject to special requirement standards.**

Modify: (2) Accessory structures.

c. Accessory structures shall not exceed 20 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet. ~~Structures located on bona fide farms are not subject to this height limit.~~

Add: 4.1: *Agriculture*:

a. Use districts: All residential including Urban Residential and Urban Village.

b. A site and operations plan must be submitted that includes a description of the proposed operation indicating:

1. Type of farming proposed with list of products that will be sold on site,
2. Location and size of structures to be built to accommodate the use,
3. Permits for any animals (including insects and fish) proposed,
4. Marketing plans (including on-site sales) if applicable, including proposed times and frequency of market operation or on-site sales,
5. Location of the intended public parking area (if applicable), and
6. Anticipated level of agriculturally related vehicle traffic.

- c. If a market stand is proposed it must be a seasonal use, and have no weekday sales, and be limiting to selling products grown on the property or created from products grown on the property. Market stands must provide off-street public parking not to exceed 5 spaces.
- d. Standards for Structures
 1. If the agricultural operation is on a lot that contains a dwelling unit or other primary structure, storage and production structures (greenhouses, hoop houses, sheds, barns) are allowed meeting the standards for accessory structures in Sec. 7-16-1(c)(2) in Residential districts.
 2. Storage and production structures for vacant property or community gardens are allowed by right meeting the standards below for a lot without a primary structure.
 3. If the agricultural operation is on a lot that does not contain a dwelling or other primary structure, small storage or production structures (no larger than 12 x 12 and 10 feet tall and not within the public right of way) are allowed by right.

Larger storage or production structures may be built when there is no primary structure (home or other allowed use) on the property meeting the standards below but the applicant must submit a notarized affidavit stating and confirming that the structure will be used only for agricultural storage or production uses.

- (a) The footprint of the proposed structure located on a lot without a primary structure may not exceed the following maximum footprint:

Lot Size	One Structure	All Structures
Less than 1 acre	770 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No limit

- (b) Structures may not exceed 20 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet.
- (c) On lots of more than three acres, structures may not be located in the required front yard. Structures located in side yards of corner lots whose rear or side yards are adjacent to a front yard of the adjacent lot, must maintain a setback equivalent to the front yard setback of the adjacent lot.

There was considerable discussion, initiated by Mr. Minicozzi, regarding his concerns about no limit for the size of accessory structures that have a lot size of more than 3 acres. He suggested that the structure be no greater than 1/3 of the property. He felt it would be better to address the size limitation now rather than afterwards. Ms. Daniel said that is the same standard as under the accessory uses.

Because there is no statement of plan consistency/ reasonableness in this matter (which must be stated in all zoning matters including text amendments), Ms. Daniel asked for the

Commission to postpone action on this amendment in order for her to address any concerns noted and include the consistency statement.

Mr. Minicozzi moved to continue the UDO amendment regarding agricultural uses to August 7, 2013. This motion was seconded by Vice-Chairman Goldstein and carried unanimously on a 6-0 vote.

(4) Discussion regarding the proposed changes to the Planning & Zoning Commission Rules of Procedure

Planning & Development Director Judy Daniel said that as discussed at the Commission Retreat in March, the staff has proposed modifications to the Commission's Rules of Procedure to correct antiquated language and to address changes imposed upon Asheville by the State Legislature. Legal staff has reviewed the language for technical and legal sufficiency. Substantive comments are given after each proposed change noting the rationale for the modified language.

1. General Rules. *[Comment: the language is added to reflect the nature of legislation enacted by the State Legislature that is specific in nature to Asheville and not required generally for other cities.]*
2. Officers and Duties.

The Chairman shall be elected by a majority vote of the membership of the Commission from among its members. The Chairman of the Commission must be a resident of, business owner, or property owner in the City of Asheville; and must have served on the Commission for at least one full term.

The term of office shall be for one (1) year, beginning as of the October meeting of the Commission in each year, and the Chairman shall be eligible for reelection. ~~The term of the current Chairman and Vice-Chairman commenced as of October 6, 1993 and shall expire as of the first meeting of the Commission in October of 1994.~~

[Comment: The Commission may wish to consider the proposed changes regarding the Chair, since the County has been authorized by the State Legislature to appoint members who have no connection to the City through an ETJ. The proposed deletion is antiquated language.]

3. Members.

The Asheville City Council shall consist of seven members, one of whom shall be elected by the members to serve as Chairperson.

[Comment: Clarifying language to be added.]

- A. The Asheville City Council shall appoint five (5) members to the Commission, and the Buncombe County Board of Commissioners shall appoint two (2) additional members to the Commission pursuant to applicable provisions of the Charter of the City of Asheville, the Code of Ordinances of the City of Asheville and the North Carolina General and Specific Statutes.

The membership of the Commission is governed under the Asheville City Council and any comparable policies of the Buncombe County Board of Commissioners, along with any subsequently enacted policies of each governing body regulating such appointments.

Should the Buncombe County Board of Commissioners choose to not appoint a member to the Commission on the resignation of a Commissioner or at the end of the term of a Commissioner; the City Council shall be authorized to appoint a member for that position for that term.

[Comment: Clarifying language added regarding appointees regarding recent changes from the State Legislature affecting Asheville.]

4.A. Meetings. (**Comment:** Antiquated language needs to be changed.)

4.F. Voting. (**Comment:** For easier reading, paragraph broken into three segments)

After discussing the amendments to the rules provided at the meeting by Ms. Daniel, Mr. Minicozzi moved to approve the revised rules, with the following amendments: (1) Under Officers and Duties, the Chairman of the Commission must be a resident of, business owner, or property owner in the City of Asheville; and must have served on the Commission for at least one full year; (2) Under Members, clarification that the Asheville Planning & Zoning Commission shall consist of seven members, one of whom shall be elected by the members to serve as Chairperson; and (3) No changes to Amendments (Section VII). This motion was seconded by Ms. Carter and carried unanimously on a 6-0 vote.

Ms. Carter felt that the rules should address term limits for County appointments as well; however, Ms. Daniel said that the City does not have any control over County decisions on term limits. Ms. Carter said that she has information from Mr. David Owens from the School of Government that she will forward to Ms. Ashley regarding County term limits.

(5) Discussion regarding a policy on requests for continuances

Planning & Development Director Judy Daniel said that questions have been raised by the some members of the public regarding standard policies on continuances. Traditionally, the Commission has allowed a developer to request a continuance just before or even at a Commission meeting. The reasons vary, but are often because a developer has determined that the development, as proposed, will not get the support of the Commission and changes will need to be made to address the concerns being heard.

The Commission votes on the request, usually moving the item to a date certain in the future (so that it will not have to be re-advertised). The policy exists because when a developer has decided to make substantial changes to a proposed development it has generally not seemed logical for the Commission to hear and debate a development that will be substantially changed anyway. Some members of the public have said from time to time that they find this unfair, since they have made efforts to attend a Commission meeting to express their concerns with the development as originally proposed. Some also believe that developers request continuance as a means to avoid extensive public comment against their proposal. They believe the developer should be required to ask for a continuance at least several days in advance of the public meeting, so they are not inconvenienced; or the Commission should hear and make a decision on the originally submitted plans.

Staff supports the existing policy, as it seems illogical for the Commission to take the time to consider a development that will be changed, and at worst, will be deferred to a future meeting where the changed proposal will be reviewed. Given the concerns noted from the public, however, we felt it worthwhile to bring the concern to the attention of the Commission for consideration.

After a brief discussion, it was the consensus of the Committee to make no changes to the existing policy.

(6) Discussion associated with Zoning Map amendments

Mr. Minicozzi said that he would meet with Mr. Edmonds and bring him up to date on the discussion of the zoning map amendments from the Commissioner's retreat. He has been working on the zoning map study because there are some zoning issues of either conflicts of two adjoining zoning districts or of prior areas being zoned for what their use was. He said the different maps that are on a shared drop box. He questioned the next step in communication amongst the Commissioners. He suggested a memorialized motion showing that this is not just one Commissioner's project, but that the entire Commission supports moving forward with the zoning study negotiations.

Chairman Cannady suggested we rank the different spots identified and then Mr. Minicozzi can move forward with possible negotiation with property owners to see if any of them would be interested in zoning changes. Mr. Minicozzi agreed that there is no one way to solve the conflicts and will require different planning tools and different ways to handle the situations based on their topography.

Mr. Edmonds felt that this zoning map study will create a tremendous amount of work to solve a problem that hasn't been identified or that people are not concerned about. Vice-Chairman Goldstein felt that the purpose of this study is trying to pre-empt some frustrations before they get to the Planning & Zoning Commission.

At the suggestion of Ms. Carter, Ms. Daniel said that she will contact the Commissioners to schedule a mid-month meeting in September or October to continue this conversation.

Vice-Chairman Goldstein moved to continue to pursue this endeavor and hold a mid-month meeting in September to determine the best way to prioritize the areas and how to move forward. This motion was seconded by Ms. Shriner and carried unanimously on a 6-0 vote.

Other Business

Ms. Daniel noted that there are some bills in the legislation that could have strong effects on land use planning, noting one in particular that will have an effect on both developers and property owners - elimination of the ability to do a protest petition. She will keep the Commission informed. Ms. Ashley also noted that she has a link that is useful in keeping up with legislation on planning issues that she will forward to Ms. Daniel to provide to the Commission members.

Chairman Cannady announced the next meeting on August 7, 2013, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 6:03 p.m., Mr. Minicozzi moved to adjourn the meeting. This motion was seconded by Mr. Edmonds and carried unanimously on a 6-0 vote.